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Canada, Capital and Corporal Punish-  
ment and Lotteries, Joint Committee  
of the Senate and the House of Commons  
on,

FIRST SESSION—TWENTY-SECOND PARLIAMENT  
1953-54



Joint Committee of the Senate and the House of Commons

ON

# CAPITAL AND CORPORAL PUNISHMENT AND LOTTERIES

*Joint Chairmen:*—The Honourable Senator Salter A. Hayden

and

Mr. Don. F. Brown, M.P.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11

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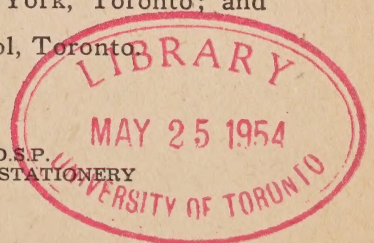
WEDNESDAY, MAY 5, 1954

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WITNESSES:

Colonel J. D. Conover, Sheriff, County of York, Toronto; and  
Dr. W. H. Hills, Physician, Don Gaol, Toronto

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.  
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A. Small,  
*Clerk of the Committee.*



## MINUTES OF PROCEEDINGS

WEDNESDAY, May 5, 1954.

The Joint Committee of the Senate and the House of Commons on Capital and Corporal Punishment and Lotteries met at 4.00 p.m. The Joint Chairman, Mr. Don. F. Brown, presided.

*Present:*

*The Senate:* The Honourable Senators Aseltine, Fergusson, Hayden, Hodges, and McDonald.—(5).

*The House of Commons:* Messrs. Boisvert, Brown (*Essex West*), Cameron (*High Park*), Fairey, Fulton, Shaw, Shipley, (Mrs.), Thatcher, Valois, and Winch.—(10).

*In attendance:*

Colonel J. D. Conover, Sheriff, County of York, Toronto;

Dr. W. H. Hills, Physician of Toronto Gaol; and

Mr. D. G. Blair, Counsel to the Committee.

The Presiding Chairman introduced Colonel Conover and Dr. Hills.

At 4.10 p.m., the Committee's proceedings were interrupted by a Division in the House of Commons.

At 4.30 p.m., the Committee resumed its proceedings.

Colonel Conover and Dr. Hills made their oral presentations on capital punishment, based on their personal experiences in their respective appointments, and were questioned thereon.


On motion of Mr. Shaw, it was agreed that the matter of calling the executioner for an *in camera* hearing be referred to the Subcommittee on Agenda and Procedure.

On behalf of the Committee, the Presiding Chairman thanked Colonel Conover and Dr. Hills for their presentations on capital punishment.

At 6.05 p.m., the Committee adjourned to meet again as scheduled at 11.00 a.m., Tuesday, May 11, 1954.

A. SMALL,  
*Clerk of the Committee.*





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## EVIDENCE

WEDNESDAY, May 5, 1954,  
4.00 p.m.

The PRESIDING CHAIRMAN (Mr. Brown, *Essex West*): Ladies and gentlemen, could we come to order, please.

The Senate is in session at the moment and they are dealing with, I believe, the second reading of the Criminal Code. Consequently the members of the Senate will not be here for a minute or two. If we could proceed now, we could hear the evidence of Sheriff J. D. Conover of Toronto, and Dr. W. H. Hills, Physician, of Toronto. If it is your pleasure I will call Sheriff Conover and Dr. Hills forward. Our witnesses today are going to help us out with respect to the terms of reference on capital punishment, I believe, and corporal punishment.

**Sheriff J. D. Conover, called:**

The WITNESS: I do not feel in a position to deal with corporal punishment. I have no experience.

The PRESIDING CHAIRMAN: Capital punishment.

The WITNESS: Yes.

The PRESIDING CHAIRMAN: Sheriff Conover, I believe you are sheriff of the city of Toronto?

The WITNESS: The County of York which includes the city of Toronto.

The PRESIDING CHAIRMAN: You are the sheriff?

The WITNESS: Yes.

The PRESIDING CHAIRMAN: When were you appointed?

The WITNESS: About nine years ago.

The PRESIDING CHAIRMAN: Have you any experiences with capital punishment?

The WITNESS: During that time there have been two executions.

The PRESIDING CHAIRMAN: Dr. Hills, you are a graduate of what university?

Dr. HILLS: Toronto University.

The PRESIDING CHAIRMAN: You are the jail physician at the Don Jail?

Dr. HILLS: At the Toronto jail.

The PRESIDING CHAIRMAN: That is the Don jail?

Dr. HILLS: Yes.

The PRESIDING CHAIRMAN: How long have you been a physician there?

Dr. HILLS: Thirteen years.

The PRESIDING CHAIRMAN: Is that a full time job?

Dr. HILLS: No.

The PRESIDING CHAIRMAN: You carry on a practice as well?

Dr. HILLS: I have other work.

The PRESIDING CHAIRMAN: In Toronto?

Dr. HILLS: Yes.



Mr. WINCH: How many hangings has he witnessed?

Dr. HILLS: I have seen four men hanged.

Mr. THATCHER: I was wondering if I heard the sheriff say two executions?

The WITNESS: Three men executed, but two executions. One was a double execution.

Mr. THATCHER: Would that be all there would be in nine years in Toronto?

The WITNESS: In the county of York.

The PRESIDING CHAIRMAN: We will proceed with Sheriff Conover.

The WITNESS: Mr. Chairman, and members of the committee, your counsel to this committee approached me with the suggestion that I was a man with wide experience in attending the carrying out of the sentences of the courts in capital cases which is far from correct. Although I have been sheriff of the largest judicial district in Canada for nine years, there have only been two executions during this period. My first attendance was shortly after my appointment when the sentence of the court was carried out on a young man for the murder of his girl friend, and the second was the much publicized execution of two men for the murder of a police officer. During those nine years, however, 59 murder trials have been held resulting in the following sentences: 3 executed, 2 sentences commuted, 5 acquitted, 5 insanity, 2 cases traversed, 40 manslaughter.

*(Proceedings interrupted at 4.10 p.m. by a Division in the House of Commons)*

The PRESIDING CHAIRMAN: We had just started before this recess. I wonder if we could have Sheriff Conover start over again.

The WITNESS: Mr. Chairman, and members of the committee: Your counsel to this committee approached me with the suggestion that I was a man with wide experience in attending the carrying out of the sentences of the courts in capital cases which is far from correct. Although I have been sheriff of the largest judicial district in Canada for nine years there have only been two executions during this period. My first attendance was shortly after my appointment when the sentence of the court was carried out on a young man for the murder of his girl friend and the second was the much publicized execution of two men for the murder of a police officer. During this nine years however, 59 murder trials have been held resulting in the following sentences; 3 executed, 2 sentences commuted, 5 acquitted, 5 insanity, 2 cases traversed, 40 manslaughter.

It might surprise the members of this committee to learn that during this nine year period municipalities with less than one tenth the population of the one that I represent have had more executions. I have read some of the testimony of previous witnesses that juries as a whole are conscious of their oath "and a true verdict find according to the evidence" but I am quite satisfied that if not deliberately then subconsciously, they are inclined to go somewhat beyond the explanation of the trial judge of "reasonable doubt". The suggestion that the sentence for murder should be left to the jury would in my opinion result in the factual if not actual abolition of the death penalty. There is no doubt that where the responsibility for some very serious decision such as that of life or death is borne by several the burden is lessened but juries are a cross section of our community and it would be impossible to find twelve persons in any jury panel with the same high devotion to duty so as to preclude disagreements and "a true verdict find according to the evidence" where a life is at stake. When the sentence is someone else's responsibility it is a different matter, at the present time it is the Crown



pronounced by the judge. The same line of reasoning applies to the executioner. During the period of my office when the province of Ontario had its own executioner, I had several discussions with him as to whether officiating at the executions bothered him and was informed that they did not as he was only the instrument of the Crown for carrying out the order of the court and did not have as much on his conscience as the jury who convicted the prisoner or the judge who pronounced the sentence. That type of philosophy is however rare to find and unless someone is found and that shortly, we may one of these days find ourselves in the position of having a considerable number of condemned prisoners on our hands with no one trained to carry out the orders of the court. I do not doubt that volunteers for a price would be available but imagine the furor of the press and the public if an execution was badly carried out and the condemned tortured as they probably were in the dark ages when a noose was put around the prisoner's neck and the vehicle removed, leaving the unfortunate to strangle. I have reason to believe that at the present time in the Dominion of Canada there is only one man with experience as a hangman and he is not a young man. I have been told that efforts have been made to train an assistant but that so far, without success.

I might add I had a discussion with the present official hangman and he informed me that he had different volunteers who participated in one or two executions and then, as he said, they developed a nervous condition and quit their job.

Awkward situations have already occurred due to the scarcity of hangmen and conflicting dates necessitating extending the date of execution have occurred. Surveys have been made as to the possibility of getting an experienced man from the United States but in only six states is the method of execution by hanging. Most states that have retained capital punishment use the electric chair, in some others a gas chamber, while in at least one the condemned has a preference of either shooting or hanging. In one of the States canvassed that still retains hanging, the actual execution is carried out by a team at the penitentiary. One guard places the noose around the neck of the condemned, one holds the slack of the rope, one springs the trap at the signal of the warden or deputy and two others lower the body after the drop, which is another method of distributing the responsibility.

While section 1066 of the Criminal Code states that the sheriff "charged with the execution", I do not interpret this the same way as Mr. Common where he said in his evidence, "If the sheriff cannot get any professional executioner, he must of course carry out the execution himself". Charged with in my opinion means has the responsibility for or as he said a few sentences earlier, "The official in charge of arrangements is the sheriff of the county or district in which the accused is awaiting the carrying out of the death sentence". Some sheriffs have, I presume, officiated at a good many executions while others have completed terms of office without being required to function at such a grim ritual. I am quite satisfied that the government which passed this section had no such interpretation in mind as given by Mr. Common. With my limited experience, two executions, I do not consider that the technique is very complicated but the responsibility and the result of a slip up could be so serious that I feel a resignation would be simpler and less disastrous. The sheriff's participation in the execution commences during the trial when the presiding justice consults him as to a date for the execution in the event of a murder verdict. This date is fitted in to the executioner's schedule and is fixed not less than two months from the date of the verdict to permit of time for an appeal. If an appeal is taken and dismissed unanimously the counsel can then only appeal to the Supreme Court of Canada with leave of a judge thereof.



If leave is refused then the law takes its course on the date previously fixed. From the time of the sentence the condemned is confined in a safe place within the prison and is under constant observation until the sentence is carried out. The prisoner never leaves his cell and of course is very limited in so far as exercise is concerned. Visitors are restricted to a chaplain or minister of religion and jail staff without permission and others with permission are limited to close relatives, not oftener than one a day.

The attitude of the condemned in the two cases above mentioned was entirely different. In the first case, which might be called a crime of passion, the prisoner was quiet, co-operative and might be said to welcome the day of his execution. In the second case the prisoners were defiant and insolent, practically up to the time executive clemency was refused, when they became intensely religious.

The executioner usually arrives the day before the execution is to take place and checks the gallows, including the trap, and may or may not do two or three tests with a sandbag. The condemned already has been informed by the governor of the result of executive clemency and shortly before midnight is visited by the jail surgeon to inquire as to whether a sedative is desired. A few minutes after midnight the executioner, the sheriff or his representative, the governor, the religious adviser and a number of guards proceed to the death cell where the condemned is informed that the time for carrying out the sentence of the court has arrived. The executioner handcuffs the prisoner and the procession immediately proceeds to the execution chamber where the executioner straps the ankles, places a hood over the head of the prisoner, the noose around the neck and springs the trap. The time involved is very short and depends to a certain extent on the length of the prayer of the religious adviser.

Immediately after the trap is sprung those who are present proceed to the lower level while the executioner proceeds down the steps of the execution chamber and examines the body. The doctor, the coroner, the sheriff and the governor wait out in the corridor until they are informed by the executioner that he considers that the man or woman is dead. Then the doctor and the coroner proceed to examine the prisoner and pronounce death. I shall leave that part of the explanation to Dr. Hills who is with me today.

I might say also, that I am speaking now of the Toronto jail where they have an execution chamber. It is my understanding in a great many of the county jails that there is no execution chamber and it is necessary in cases of the carrying out of capital punishment for a gallows to be built in the jail yard. Some of the county jails have been converted in emergencies but most of them have no execution chamber.

It is then the duty of the jail surgeon and the coroner to report to the Sheriff when the condemned is dead. The body is then cut down and placed in a casket and sealed. It is kept under guard until burial takes place, which is usually 8 a.m. the same day. The sheriff and the spiritual adviser proceed with the body to the cemetery, not the jail yard as stated by a former witness.

The reason for that is that the health authorities have refused to permit interment within certain limits of the municipalities.

The length of time between the springing of the trap and the report of the surgeon that death has taken place varies. In the first case, if I remember correctly, it was approximately 15 minutes while in the second case it was approximately 40 minutes before the doctors were sure that death had occurred.

For some days prior to the execution a state of tension exists, not only amongst the jail staff but throughout the whole jail. Everybody is on edge and those confined show a sullenness and resentment to authority which leads



me to feel that there should be a central place of execution, not only to relieve the strain on the jail staffs but to remove it from the morbid curiosity of the general public. I understand on the night of the double execution a crowd of between two and three thousand people started to gather outside the jail about ten p.m. and remained until the official notice that the sentence of the court had been carried out was nailed on the jail door.

I have no views on the method of carrying out the death penalty but would rather leave that to those who are in a position to give more expert evidence. The strain on those who are obliged to take part for some time prior to the date of execution is considerable and if the death penalty is to remain, any change that might modify this strain would be justified.

As director of legal aid for the county of York, I would like to correct any impression that may have been conveyed by previous witnesses that persons accused of murder are defended by inexperienced counsel. Since legal aid has been in effect in the county of York, counsel have been appointed in 15 out of 22 cases of murder. While it is true that some of the counsel were young, most of them had attended before as juniors in previous murder trials. It has been the practice where possible to obtain senior counsel and to appoint a bright young junior as his assistant. Before appointing counsel the case is discussed with the Crown Attorney by myself and the possibility of a conviction assessed. If a conviction for murder appears possible every effort is made to obtain senior counsel and in my county this has always been possible.

While my experience in the courts has not been as extensive as that of some of the previous witnesses I have found Crown counsel not only impartial but most helpful to defending counsel, particularly juniors in capital cases.

At page 154 and 155 of Mr. Maloney's evidence he mentions a certain lawyer who acted as defence counsel in four murder trials and is now confined in a mental institution. All these trials occurred before legal aid was in effect when the system of providing counsel was different. At that time a free list was kept at the local jail and any accused could make his own choice from those listed, provided the counsel were prepared to act.

Any further information concerning executions I think I should leave to Dr. Hills who is with me today and who is jail surgeon at the Toronto jail. Although he has been there for 13 years, during that period he has only been at four executions, I believe, and I shall leave him to tell you his story from the doctor's angle at the jail.

The CHAIRMAN: Thank you very much, Sheriff. Dr. Hills?

Hon. Mr. ASELTINE: We will have an opportunity of questioning the sheriff later?

The PRESIDING CHAIRMAN: Yes.

Dr. HILLS: I have been associated with the reform institutions for the last 19 years of which 13 have been spent as physician of the Toronto jail. There have been, as Sheriff Conover has mentioned, four men hanged at the Toronto jail in the time that I have been there. I believe that the purpose of my visit here today is to give some information and observations concerning those executions and executions in general and circumstances associated with them. The remarks of Sheriff Conover in general are in agreement with my own findings and opinions and—although I know little or nothing of the legal aspect—I feel we are in agreement about conditions in jail. I have seen more than the four men mentioned as condemned men but a number of them have had their sentences commuted or changed. Of the aspects of these cases that I thought you would be wishing to hear from me, there is the matter of the condition and treatment of the prisoner before the execution, the



condition and treatment of the prisoner on the occasion of his execution, and the medical findings subsequent to execution, I would say that there is nothing unusual in the physical condition of a man who is awaiting to be hanged as he waits in his rather small cell for the month or so that he does have to wait. That is, he remains healthy, free of illness. I have had little trouble with those men regarding complaints of illness and regarding illness. Due to the confinement they are affected somewhat by constipation and their general condition may be somewhat deteriorated, but they are not greatly affected. The attitude of those men, as they wait, is to me at least friendly, co-operative, and pleasant. That is, as time goes on they do become pretty much that way, although they might, and sometimes have been at first, somewhat adverse and antagonistic, unco-operative. I did notice a little difference in the findings of Sheriff Conover in two cases he mentioned in which he found the men resentful. There was never any resentment or malice shown to me. They were always polite and properly behaved.

Regarding the execution itself, I am present for an hour or so before the hanging to see that anything that can be done for the man from my standpoint is done. The clergyman probably does more. I offer my services. There is little I can do. If the man has requested sedation some nights previous that is taken care of. Anything that is required in the way of a sedative is given. Anything that is asked for in the way of a sedative that is reasonable is given. On the occasion of the approaching hanging, the man is asked if he would like to have sedation. The sedation that I use is half a grain of morphine and one hundredth of hyoscine. In the case of the first execution, the man replied that he would be alright and thanked me. In the second case the man said that he did not need anything. In the third case I gave a sedative. It was not requested, but was accepted after I suggested it.

The men, in my experience, are calm, composed and quiet. They seem to be well prepared for the end which is probably due to the attentions of the clergymen who have taken care of them for some time. After the hanging, the physician's duty is to pronounce death in accordance with the Criminal Code. It is an unpleasant duty. The physician—this is in the Toronto Jail—climbs a step ladder and puts a stethoscope on the man's heart when the hangman has called him. The heart beats very strongly and loudly. The rate is hastened.

Mr. WINCH: After the hanging?

Dr. HILLS: After the hanging the rate is faster, and then slower, and the sound remains loud, and presently the rate becomes slower and the sounds become quieter and quieter. Did I say that they were slow and irregular?

The PRESIDING CHAIRMAN: No.

Dr. HILLS: The heart beat becomes irregular and slows until it stops. I have found in the four cases—and these are quoted from memory as there are no records made of such times and also it is rather difficult to take times on such occasions that the heart stops; the times in which are very close to 22 minutes, 30 minutes, 35 minutes, and 45 minutes respectively. Those are the times at which, in the four cases, death was pronounced, and in each case the heart sounds were heard until that stage, or very close to that time. In each of these four cases I would say that the neck was angulated and lengthened, and that the cause of death appeared to be primarily fracture of the neck and strangulation would have to be considered as a secondary cause, although probably not the actual cause, of death. I think that is all I have to say.

The PRESIDING CHAIRMAN: Thank you very much.

Dr. HILLS: If there are any questions I shall be glad to help.

The PRESIDING CHAIRMAN: Probably we could start today with Mr. Blair who is counsel for the committee.



*By Mr. Blair:*

Q. Sheriff Conover, at one stage in your remarks you mentioned juries went, as you said, beyond reasonable doubt in rendering verdicts. Perhaps you could explain to the committee in more detail what you have in mind in saying that.—A. What I had in mind as far as juries are concerned was that I think they are very glad to look for an excuse to bring in a verdict of manslaughter. I, of course, have never discussed with a juror what went on in the juryroom because they were under oath and would not be allowed to discuss the talk and argument and discussion that goes on in there. From the number of murder trials that have been held in the county of York, and the number that have been found guilty of manslaughter—some of them quite vicious crimes, or vicious murders—I am inclined to believe from that that juries are, particularly in the southern part of the province, inclined to bring in a verdict of manslaughter.

Q. Would it be correct to say that the reason for that is they shrink from sending a man to death, or is it sympathy with the causes which have brought about the homicide?—A. I am afraid that I have never been a juror on a murder trial and do not know what goes on in the jury's mind. I am only assuming from statistics I have been able to gather that that is what happens.

Q. Apart from the four people who were executed, I imagine both Dr. Hills and Sheriff Conover would have had some contact with the other 59 persons charged with murder and I wondered if, as a result of that contact with the large number of people charged with murder, they would be prepared to offer any views on the effect of the death penalty as a deterrent to murder?—A. I have talked with quite a few who have been accused of murder and have been brought forward at their trial for murder and my own opinion is that the death penalty insofar as most of them was concerned was not a deterrent. Looking over the list, as far as my memory serves me, a large proportion of those accused of murder were for what you might call crimes of passion and very few if any were what might be called premeditated murder. We have had some where people have set forth to rob and it has resulted in murder. I presume that might be called premeditated murder because they took a weapon with them, either for their protection or defence, and were prepared to use it if necessary in carrying out their purpose. But, of the majority it is my personal opinion that in a number of them it would be in a moment of drunkenness or some feeling that rose in them at the moment and they never even contemplated what might happen to them as a result. Now, the Doctor has possibly examined most of these people accused of murder and he might care to express his views on that subject.

The PRESIDING CHAIRMAN: Dr. Hills, would you care to make a comment?

Dr. HILLS: I note from the record that there were five certified as insane out of the 59. I have, as Colonel Conover mentions, talked to all these people. Unfortunately, I have not had the time to make a tabulation or classification of them. It seems to me that fear of the death penalty does not mean anything.

Mr. BLAIR: I have no more questions.

*By Hon. Mr. McDonald:*

Q. At this time I would like to ask the sheriff or the doctor here to express their views, if they would care to or to recommend any change in the manner of the execution?—A. I have no views on the subject. I feel that a central place of execution might remove a certain strain on the staff and prisoners and so on, but as to the method that is something beyond me because I am not prepared to say how soon death takes place after the trap is sprung in hanging, or how fast it could take place with some other method.

Q. Since these meetings of the committee have started I have met a number of people and I have heard the criticism that hanging is archaic, and



that we should find some method better than hanging. I do not know whether they think it is more humane, but certainly not quite so archaic.—A. Certainly I have heard doctors express the view that they know of quicker methods that might not be quite so archaic, such as injection.

Q. What about electrocution?—A. The comment I have heard about that is that while death may be sudden it has a terrific effect on the staff and people in the institution where it is carried out. The horrible smell of burning flesh seems to remain for days. It seems to permeate the execution room and the whole building. I have heard that from people who have been in institutions where death by electrocution has been carried out.

Hon. Mr. McDONALD: Have you had any experience, Dr. Hills, with electrocutions?

Dr. HILLS: I have sat on the seat at Sing Sing. It is uncomfortable.

Hon. Mrs. HODGES: Not in the condition under which you sat on it.

Dr. HILLS: The place has an abnoxious, nauseating, disgusting odour, which I think is not only there on occasions; I think it is there all the time.

The PRESIDING CHAIRMAN: They did not spring the juice into the chair when you were on it?

Dr. HILLS: I made sure everything was dead.

Hon. Mr. McDONALD: That is all.

The PRESIDING CHAIRMAN: Mr. Shaw?

*By Mr. Shaw:*

Q. Sheriff Conover am I correct in my understanding that there is but one official executioner in Canada?—A. That is correct.

Q. And you emphasized the fact, I believe, that in your discussions with him it did not seem to bother him at all?—A. This was a former executioner.

Q. Have you had cause to discuss the matter with the present official executioner?—A. No.

Q. Did I hear you correctly when you said that you were finding it impossible to secure an assistant? In other words a possible successor to the present executioner?—A. I did have a discussion with the present executioner in regard to finding an assistant and with respect to the success he was having in training an assistant.

Q. Have you had any discussion with any of these persons who acted once as assistants to him?—A. No. They are not in close proximity to my area.

Mr. SHAW: Mr. Chairman, I should like to ask Dr. Hills, since he indicated that in these four cases the time of the actual execution was 25, 35, and 45 minutes—when, Doctor, do you feel that the moment arrives when the executed person ceases to feel pain or any other sensation? In other words, when does he lose consciousness?

Dr. HILLS: I think within a second of the time when the trap is sprung. He will hit the noose within less than a second and I think that by the time the second is over that he is unconscious.

Mr. WINCH: Only he is not dead?

Dr. HILLS: Not legally dead. The heart is still beating and with the heart beating we cannot pronounce death.

Mr. SHAW: Doctor, you refer to the administering of sedatives to those who are to be executed. Are there any instances within your experience where that has been done against the will of the condemned person?

Dr. HILLS: Sedatives given to the condemned person against his will?

Mr. SHAW: Yes.

Dr. HILLS: I do not know of anything like that.



The PRESIDING CHAIRMAN: Mr. Boisvert?

Mr. BOISVERT: No questions.

The PRESIDING CHAIRMAN: Mr. Cameron.

*By Mr. Cameron (High Park):*

Q. From the time that the prisoner leaves the cell until the drop how long a time would elapse?—A. Between leaving the cell until the trap was sprung?

Q. Yes.—A. A matter of a very few minutes. In the Don Jail I think it would be the time required to walk 25 or 30 paces and the hangman, if he is experienced, takes very little time in preparing the condemned person. I think that in one case the length of time it would take to recite the Lord's Prayer. In the other case there was a shorter prayer even than that. So it was a matter of a very few minutes.

Q. In connection with the Lord's Prayer is the condemned man prepared for execution when that is being said or before?—A. That has been done.

Q. In reality from the time when he reaches the execution chamber until the drop it is only a matter of a few seconds?—A. A very few minutes. You cannot get through the Lord's Prayer in seconds, I do not think.

Q. A comparatively short time?—A. Yes.

Q. In other words, the minimum of mental torture the prisoner would be going through would be as short as it was possible to make it in regard to what had to be done?—A. That is correct.

Q. Have you any observations to make or any comment as an observer as to what happens from the time that the prisoner is dropped from above?—A. No, my duty is finished—not finished because I must sign a certificate that the sentence of the court has been carried out and that can only be done after death. My further duty is to see that the body is interred without being viewed by an unauthorized person or even relatives.

Q. What I had in mind was would you have any views, from the time when a condemned man is dropped, as to any visible signs that he was suffering pain or making a struggle for life or anything of that kind from your observations from above?—A. No. Immediately the trap is sprung I move to the lower level and wait the verdict of the doctor.

Q. You gave us the approximate time you waited outside?—A. That is right.

*By the Presiding Chairman:*

Q. You say that the body is not viewed by even the relatives?—A. That is correct.

Q. Is not the body sometimes released to relatives for burial.—A. It is released sealed in a casket. The relatives may attend the interment of the body, and they may make arrangements with an undertaker if they wish a more expensive form of casket. But if they have not the money or do not desire to do so, the casket is provided by the municipality, and they are not allowed to view the body.

*By Mr. Cameron (High Park):*

Q. You would not enter the chamber below until you are told it is proper to do so by the hangman?—A. I can do so, but I do not.

Q. It seems to be the practice in Toronto that you do not?—A. Yes.

*By Mr. Fulton:*

Q. Who actually indicates that the moment has come to make the drop? Is it the chaplain? Does he indicate that he has finished the prayer?—A. The executioner proceeds immediately.



Q. From whom does he receive the indication that it is now time to do it?

—A. I think he knows that it is his job to carry out the execution, and as soon as the chaplain reaches the end of his prayer and he knew that the chaplain had reached the end of the prayer, he pressed the spring and the execution took place.

Q. The chaplain has been discussing the matter with the prisoner and has been preparing him and I wonder if it is the practice that the trap is not sprung until the chaplain signifies in some way?—A. I do not think they put that responsibility on the chaplain.

Q. I was wondering how it was done?—A. In the first case it was obvious when the time had arrived and when the spiritual adviser finished with the Lord's Prayer the executioner immediately sprung the trap. It was obvious in the second case that the spiritual adviser had finished his prayer.

Q. I was wondering if you could tell me whether, at least in the cases over which you have had jurisdiction, that it is clear that the execution will not take place at a moment when the chaplain feels there is still something to be done for the man by way of prayer?—A. I assume that is correct, but it never entered my mind that there would be any question about the time.

Q. Then there is no instruction, as it were, issued to the executioner that he should take the cue from the chaplain?—A. No.

Q. But in the cases you have experience of that has happened?—A. Yes.

Mr. FULTON: Dr. Hills, I do not think you expressed an opinion as to alternative methods of execution? Would you care to do so?

Dr. HILLS: I think, first of all, the medical man is attending an operation which is against all his teaching, training and experience. He is given to the saving of life. This is entirely opposed to all his ideas. If it has to be done, perhaps it should be done in a different way. The medical man would recommend, I think, that injection was the proper way because that would be the way that he would terminate a life if it was necessary to terminate a life. He would inject sufficient morphine that unconsciousness would be lost very shortly. There would be cessation of respiration and death.

Mr. BOISVERT: How long would it take to declare the man dead after an injection of morphine?

Dr. HILLS: How long would it take to cause death?

Mr. BOISVERT: Yes.

Dr. HILLS: I am sorry that I can only guess. It may be in the book. I have seen two cases of excess morphine both of which I happened to save. I think possibly about fifteen minutes might be sufficient to stop the heart. It might stop sooner. Of course, if you use curare that might be much faster.

Mr. FULTON: Do you think any doctor would do it?

Dr. HILLS: I do not know.

Mr. FULTON: I take it it is perfectly clear from your previous evidence that it is your opinion that unconsciousness and all sensation on the part of the condemned man ceases virtually the moment he comes to the end of the rope on the drop.

Dr. HILLS: I believe so.

Hon. Mrs. HODGES: I should like to direct a question to Sheriff Conover. He made reference to the gathering of morbid crowds outside the jail at the time of the execution. Does that only happen in cases where gallows have to be erected?

The WITNESS: In the Toronto jail there is a permanent execution chamber.

Hon. Mrs. HODGES: Yes, I understood you to say that. Do you say that happened there?



The WITNESS: Yes, a crowd of between 2,000 and 3,000 gathered outside the jail in Toronto where the double execution took place which I have referred to. The crowd gathered some hours before.

Hon. Mrs. HODGES: Could that be obviated by any lack of publication of the time of the execution. Would that help?

The WITNESS: At the time of the sentence the judge must set the date.

Hon. Mrs. HODGES: The date is set but the actual time is not published?

The WITNESS: The Secretary of State has issued instructions that, in so far as possible and wherever it is possible, the execution should take place shortly after midnight of the day fixed.

Hon. Mrs. HODGES: So the morbid public is accustomed to that time?

The WITNESS: Yes.

Hon. Mrs. HODGES: And there is nothing that could be done in that way?

The WITNESS: The only way would be a central place of execution that is removed from centres of population.

Hon. Mrs. HODGES: You think that would be the answer?

The WITNESS: Yes, and not only that but it would also eliminate the publicity.

Hon. Mrs. HODGES: Oh quite, yes.

Mr. FULTON: Dr. Hills, were all four executions which you observed carried out by the same hangman?

Dr. HILLS: No.

Mr. FULTON: And yet in all four there was the same degree of professional skill?

Dr. HILLS: I believe both men were competent.

The PRESIDING CHAIRMAN: Mr. Winch?

*By Mr. Winch:*

Q. I have a series of questions. I will make them short if I possibly can. I would like to ask the sheriff, first of all, why it is the hangman who examines the body after the drop before the doctor examines it?—A. He is hired to carry out the execution.

Q. He has already dropped him, and the only matter then is that of death, so why does the hangman and not the doctor examine the body first?—A. I cannot answer that.

Q. Is there a reason for it?—A. No reason I know of, except that the executioner is responsible for the carrying out of the sentence of the court and also provides the instrument for the carrying out of that execution, such as the rope and hood and the handcuffs and so on. He also cuts down the body after he is informed by the doctor that death has set in.

Q. And the hangman is not a medical man?—A. Oh no.

Q. And therefore he actually does not know whether the man is dead or not?—A. Oh yes, the doctor has pronounced death.

Mr. FULTON: The sheriff is trying to answer the question.

The WITNESS: The doctor pronounces him dead before the hangman cuts him down.

*By Mr. Winch:*

Q. Why does the hangman examine him first?—A. To see that he has carried out his job properly, I presume.

Q. I will let that go for now. I understood from what you said, sheriff—



The PRESIDING CHAIRMAN: Would it not be a proper question to ask him if it is the practice to have the hangman examine the body before the doctor does?

Mr. FULTON: He has already said that is done before the doctor is even called in.

Hon. Mr. HAYDEN: I suppose he does not want to have the doctor climb the stepladder too soon.

Mr. WINCH: I was not going to ask this, but I will now. The doctor has said that after being examined it is from 22 to 45 minutes, in a medical sense, before the man is dead?

Hon. Mr. HAYDEN: No, from the time he drops. I think that is what he said.

Dr. HILLS: From the drop, yes.

Mr. WINCH: From the time you were called in until you pronounced death, what was the length of time in the four cases mentioned?

Dr. HILLS: The hangman calls the physician in a few minutes.

Mr. WINCH: And in all those four cases which you had to attend—and I know you did not like to; I know that—on those four occasions when you were called in was the heart still beating?

Dr. HILLS: The heart was beating when I first examined.

Mr. WINCH: That is what I am asking you. After you were called in was the heart still beating?

Mr. FULTON: There is a correction. The doctor has already said he is not called in—

Dr. HILLS: The man is hanging and you go up on the stepladder and put the stethoscope on his heart and you listen to the heartbeat. You cannot say that the man is dead until the heart beats stop.

Mr. WINCH: And in each case in your experience the heart was still beating?

Dr. HILLS: Oh yes, quite. Very strongly. On the first examination they are, quite strongly, but the body is not cut down until he is pronounced dead.

Mr. WINCH: At the time you were called in by the executioner in each case the man was unconscious but he was still medically alive?

Dr. HILLS: The man was unconscious but legally not dead. That is, while the heart beats you have to wait until it stops before you can pronounce death.

Mr. WINCH: Otherwise then, legally he has been hung, but medically he is still alive?

Hon. Mrs. HODGES: No, medically he is dead.

Mr. FULTON: Don't twist the evidence like that! The doctor has already said just the opposite.

Mr. WINCH: I do not understand that. His heart was still beating so medically he was still alive, was he not?

The PRESIDING CHAIRMAN: Whether it is medical or legal, he is dead.

Mr. WINCH: The point I am trying to get at is this: is hanging instantaneous death?

Dr. HILLS: No.

Mr. WINCH: That answers my question, thank you. Now, I would like to ask the sheriff this question. You said you hanged two men at once. Were they hanged individually and dropped at the same time or were the two strapped together?

The WITNESS: They were not strapped together; two separate ropes from the beam, two separate nooses, both men standing on the trap at the same time the trap sprung and both men hanged at the same time.



Mr. WINCH: The reason I asked was that in British Columbia once they hanged three men by strapping them together and one was held up, but I will go into that later. There is one other question I would like to ask the sheriff. Did I gather from what you said—

Mr. FULTON: I am not sure that evidence should be received from Mr. Winch.

The PRESIDING CHAIRMAN: I think we can discuss that later, if Mr. Winch would continue with his examination of the witness.

Mr. WINCH: I would, if Mr. Fulton would allow me.

Mr. FULTON: I will object when you proceed to give evidence yourself, and raise a point of order.

Mr. WINCH: All the same, McCarthy.

Mr. FULTON: You should know; you are an expert in that field.

The PRESIDING CHAIRMAN (Mr. Brown, *Essex West*): Gentlemen, I do not think there is any partisan political advantage to be derived from this committee. I think we all realize that. We have a witness here today and I think we should avail ourselves of the opportunity of getting the best evidence we can from him.

Mr. WINCH: I am trying, Mr. Chairman.

Mr. FULTON: That is my purpose, to get the best evidence we can—from the witness.

Mr. WINCH: I gather, and if I am wrong I know you will correct me, that you made a statement something to the effect that if the sheriff himself had to carry out the actual execution that there would be resignations. Do I take from that, if I understand you correctly, that if you yourself could not have an official hangman that rather than perform the act yourself you would resign?

The WITNESS: I think in the interests of the condemned and in the interests of the general public I would be required to. I am not an expert in carrying out executions by hanging, although I have attended two, so I think that my only alternative would be to resign my position.

The PRESIDING CHAIRMAN: Mr. Thatcher?

*By Mr. Thatcher:*

Q. Mr. Chairman, I think I understand the sheriff to say that he did not think that hanging was a deterrent. Is that a fair statement?—A. In the majority of cases.

Q. Well then, would you feel that capital punishment should be abolished?—A. In my official capacity or my personal capacity?

Q. I would say in both?—A. In my official capacity I would like to see capital punishment abolished. In my personal capacity I have different feelings in the matter. I have thought it over and read on the subject and found that in institutions where capital punishment has been abolished that the person guilty of murder is apt to cause trouble. Not only that, they have nothing to lose. They are possibly incarcerated for life and the fact that they may murder somebody else would not make any difference to their treatment because the authorities could not do anything further to them and from my personal viewpoint I think capital punishment should be retained.

Hon. Mr. HODGES: Then you think it is a deterrent in that sense?

The WITNESS: I think it is a deterrent to the vicious type of criminal that we do get from time to time and if he had escaped the death sentence once he would be inclined perhaps to think twice before committing a second murder if the death penalty were retained.



*By Mr. Thatcher:*

Q. Do you think it should be only retained for some one who commits murder a second time?—A. I would not like to commit myself on that.

Q. Perhaps I have not got this right but it seems that your evidence is rather contradictory. Earlier you said you do not think it is a deterrent and yet you think it should be retained. What exactly is the reason you think it should be retained?—A. For the reason I just gave you a minute ago. The person who is sentenced to life imprisonment in a state or province where there is no death penalty has nothing further to lose.

Q. And might commit a second murder?—A. Yes.

Q. But if we hang him if he committed a second murder, could we not let him off the first time?

Hon. Mrs. HODGES: You mean, give every dog a first bite?

The PRESIDING CHAIRMAN: That is arguing and not questioning.

*By Mr. Thatcher:*

Q. I would like to go on and ask Dr. Hills the same question, whether he thinks that the death penalty is a deterrent? I think he said in evidence that he did not?

Dr. HILLS: I cannot see that it is.

Mr. THATCHER: Then would you favour or feel that the death penalty should be abolished?

Dr. HILLS: In my official or my personal capacity? I have no opinion in my official capacity. I just take care of the people, that is all.

Mr. THATCHER: You would not care to express an opinion whether you would like to see it abolished or not?

Dr. HILLS: Certainly I would like to.

Mr. THATCHER: In the four cases you have had, how many times have you had to give a sedative?

Dr. HILLS: I did not have to give any in the latter two, but after a little discussion I did give a sedative to them.

Mr. THATCHER: Are you permitted by law to give a sedative which is strong enough to render the prisoner fairly well insensible?

Dr. HILLS: I think so.

Mr. THATCHER: And is that usually the case when a prisoner is hanged that the drugs have been strong enough that the prisoner does not know too much about what is going on?

Dr. HILLS: No.

Mr. THATCHER: That is not usually done?

Dr. HILLS: No, I do not think so. I never heard of that being done.

Mr. THATCHER: I was just wondering. I did not know the practice. Have you observed, after the man has been dropped through the trap door, any struggle or convulsions?

Dr. HILLS: Yes, there are movements of the limbs.

Mr. THATCHER: And from your experience would you say that the body was limp the moment it hit the end of the rope?

Dr. HILLS: Yes, there are the movements caused . . .

Hon. Mr. ASELTINE: Muscular movements of the body?

Dr. HILLS: Yes, it has nothing to do with the brain.

Mr. THATCHER: You would not say movements were caused by pain?



Dr. HILLS: No, they are just the kicking movements you see in cases where a rooster has its head cut off?

Mr. THATCHER: Have you seen any accidents take place in the cases you have been at?

Dr. HILLS: No.

Mr. THATCHER: Have you heard hangmen speak of any accidents which have taken place?

Dr. HILLS: No.

Mr. THATCHER: I see. Would you say as a result of your observations of several hangings that hanging is a merciful death, or is it, as one of the senators said, an archaic way of execution?

Dr. HILLS: It appears to me as archaic.

Mr. THATCHER: And perhaps actually inhuman?

Dr. HILLS: Actually, yes.

*By Mr. Thatcher:*

Q. I would like to ask the sheriff another question. He may have answered it already but perhaps I just did not understand him if he did. How many people are present at an execution?—A. The sheriff or his representative, the governor, the religious adviser, approximately four jail guards . . .

Q. No newspaper men?—A. No.

Mr. BLAIR: And the coroner?

The WITNESS: Yes, the coroner and the jail surgeon. The coroner does not usually attend at the execution chamber. He usually attends with the doctor after the condemned has been hanged.

*By Mr. Thatcher:*

Q. It is pretty difficult for the men who have to attend the actual execution for some time before and after the execution?—A. It is quite a strain.

Q. Just one further question. You mentioned in the figures you gave us that of the 52 persons— —A. 57, I believe.

Q. 57 in the Toronto area who had been tried for murder—

Hon. Mr. HAYDEN: I believe it was 59.

*By Mr. Thatcher:*

Q. That only three have been actually executed. I was surprised at that low rate. I wondered if one of the reasons would be that there are very good lawyers in the Toronto area?

Hon. Mr. HAYDEN: He said there were only three executions he attended.

The WITNESS: No, there were only three amongst those 59 in the nine years.

*By Mr. Thatcher:*

Q. Would you say that was because there are very good lawyers in the Toronto area?—A. There is no doubt about that.

Hon. Mr. HODGES: In the presence of Toronto lawyers, of course!

Mr. THATCHER: Do you think that it might have been that the juries are reluctant to convict for murder?

The WITNESS: Personally I think that is quite true, yes, that the juries are looking for an excuse to bring in a verdict of manslaughter. I think I expressed that opinion before.

Mr. THATCHER: Would that not be an added argument against capital punishment? Are you not in effect saying that if the sentence had been life imprisonment there would have been more than three convictions.



Hon. Mr. HAYDEN: The end is the same anyway.

The WITNESS: It is practically the same thing, as Senator Hayden suggests. The judge in pronouncing sentence takes into account to a large extent the brutality of the episode in those cases which end in manslaughter as it did in 40 of the 59 murder trials which took place in the nine-year period I referred to.

Mr. THATCHER: Am I not right in saying that under the trap doors there is a screen of some kind?

The WITNESS: In the Toronto jail, the execution chamber is in a tower in the jail yard and is part of the building. It is entered from a corridor on the second floor where the trap and the beam over which the rope is tied is contained, and the body drops to the floor below this chamber and it has a door opening into the corridor of the jail on the ground floor.

Q. Your predecessor at the hearings of a committee similar to this committee, I think in 1937, said on at least one occasion the hangman had to go below and drag on the man's legs to bring about death. That has not happened recently to your knowledge?—A. I was practicing law then.

Q. In view of the fact that no one would be there, that would be the reason the hangman goes down?—A. I imagine he goes down to see that he has carried out his job properly.

Q. What size rope do they use in these hangings?—A.  $\frac{7}{8}$  of an inch.

Q. How long?—A. Well, it depends on the height of the person or the weight of a person that is to be hanged. The noose, I believe, requires some considerable number of feet in order to be properly tied. And then there is the amount that is tied around the beam or the ring above the trap. I would not know exactly, but I would think somewhere in the neighbourhood of 30 feet of rope.

Mr. THATCHER: Thank you.

*By Hon. Mr. Aseltine:*

Q. All these people you mentioned who are present at the execution, do they see the whole operation or is the place boxed in so that they cannot actually see the man dropped?—A. They must all be present.

Q. How much can they see?—A. They can see the noose going around the man's neck and he being dropped through a hole in the floor.

Q. That is all they can see?—A. Yes.

Hon. Mr. ASELTINE: I would like to ask the doctor a question. I am interested in alternative methods. You suggested one alternative method, namely that of injecting morphine. Do you consider that a more merciful method than that of hanging the man?

Dr. HILLS: Yes.

Hon. Mr. ASELTINE: In what respect is it more merciful? Is there any less pain? Does the man suffer any pain after the injection? He would be unconscious immediately?

Dr. HILLS: Well, as soon as the injection took effect. It takes a little time.

Hon. Mr. ASELTINE: He would not feel any pain in the meantime?

Dr. HILLS: Oh, no. A doctor could terminate a life very pleasantly, painlessly.

Mr. WINCH: He would just go to sleep?

Dr. HILLS: Nothing to it. A man would never know anything at all about it.

Hon. Mr. ASELTINE: Do you know if that method has ever been adopted by any state or country?



Dr. HILLS: I do not think so.

Hon. Mr. ASELTINE: Do you know of anyone who could give us that information?

Dr. HILLS: Dr. Lawson might be able to.

The WITNESS: I doubt if he could give you the information as to any other state or country that uses that method of execution.

Mr. BLAIR: It might assist the committee if I said that enquiries are being made to try and obtain that information.

Hon. Mr. ASELTINE: You have given your one alternative method. What have you to say about electrocution? Is that not a speedier method than even the injection you speak of?

Dr. HILLS: Not as pleasant. Walking in and sitting in the chair and getting strapped down and smelling that place. It looks hideous; it smells bad.

Hon. Mr. ASELTINE: You think it is more inhuman than hanging?

Dr. HILLS: It is questionable.

Hon. Mr. ASELTINE: It is more inhuman than giving him the injection at any rate?

Dr. HILLS: Oh, yes. I was going to say that, actually, though the electrocution is painless. There is the unpleasantness of sitting in the chair and being strapped down and smelling the place and seeing it.

Mrs. SHIPLEY: I would like to ask Dr. Hills a question. In view of the interest that has been shown in the statement that it takes 20 to 45 minutes for the heart to stop beating, is it not true that in almost any form of execution or any form of fatal injury that could be given to any human being that the heart would not stop beating for some considerable period of time, almost anything one could mention?

Dr. HILLS: Except a bullet through the heart.

Mrs. SHIPLEY: Thank you. That covers that point. Now, the next question is neither of the witnesses have commented on the use of a gas chamber as compared to electrocution or hanging. Would you care to comment on that Dr. Hills?

Dr. HILLS: I have not seen one. It does not appeal to me.

Mrs. SHIPLEY: You, Colonel Conover?

The WITNESS: I think that this committee has read anything I have read on that.

The PRESIDING CHAIRMAN: You have no personal experience?

The WITNESS: No, nor any knowledge.

*By Mrs. Shipley:*

Q. This question may be out of order. I was somewhat shocked to read in the newspapers that a reverend gentleman in Toronto made the statement that he had been responsible for having a sentence commuted and I have forgotten the exact manner in which this came about, but it was something to the effect that the hangman was very displeased because he was done out of \$500. Have you any knowledge about the truthfulness of such a statement or whether it could have happened?—A. It is rather difficult to say. All I could say is this.

Q. You do not have to answer the question.—A. I understand that the present official hangman for the province of Quebec, and the only official hangman in Canada at the present time, keeps himself rather remote from



the public and his profession as secret as possible and I doubt if he would publicize the fact that he was the hangman to anybody except to those he might be officially in contact with.

Q. There has been no subsequent report in the press of this statement that you know of?—A. No.

Mr. WINCH: Is he still called Mr. Ellis?

The WITNESS: No, he has a different name.

Mr. FULTON: Is he paid for each case or is he paid a salary?

The WITNESS: I understand that he is retained on salary by the province of Quebec and permitted to take on other work in other provinces at so much an execution.

*By Hon. Mrs. Fergusson:*

Q. Colonel Conover, I think you have answered part of my question, but you spoke of the official executioner. How do you become an official executioner? Do you pass tests? How do you know you are competent, or how do other people know you are competent to carry out an execution?—A. I think it has been passed on from one to another.

Hon. Mrs. HODGES: In a family, do you mean?

The WITNESS: No. Not in a family, but those who have participated in executions and have signified their desire to carry out the work and have participated sufficiently to acquire the necessary knowledge to carry out the execution.

*By Hon. Mrs. Fergusson:*

Q. My point really is, is there anything to restrict a sheriff when he needs an executioner to have an official executioner or could he hire anyone whom he thinks would be suitable to do the job?—A. I think that the Criminal Code permits him to hire anyone who could or would do the job. I think most sheriffs who are charged with the execution would be rather diffident about employing an inexperienced person in view of the publicity which might arise from a mistake or a poor job of work.

Q. Suppose it happened that the executioner could not possibly attend at the right time. Suppose he were ill?—A. I can tell a story about what happened in British Columbia.

Hon. Mrs. HODGES: I must warn you there are some British Columbians here.

The WITNESS: I understand that. The plane was late and the sheriff got quite perturbed when it got within about an hour of the time of execution and the executioner had not arrived, so he went to his office and wrote out his resignation and when the executioner arrived on time, as he did, the sheriff tore his resignation up.

Mr. FULTON: That was a case of reprieve for the sheriff!

The PRESIDING CHAIRMAN: Any further questions, Senator Fergusson.

Hon. Mrs. FERGUSSON: No.

The PRESIDING CHAIRMAN: Any questions, Mr. Fairey?

Mr. FAIREY: No.

The PRESIDING CHAIRMAN: Any questions, Mr. Valois?

Mr. VALOIS: No.

The PRESIDING CHAIRMAN: Senator Hayden?

*By Hon. Mr. Hayden:*

Q. Sheriff Conover, when you were talking about the jail staff and the prisoners being upset as the execution date approaches and the crowd gathering in the street, is that not all part of the sentence of death and the carrying out of it is supposed to induce in the public such an abhorrence of the thing that it will be a lesson?—A. I am afraid from my observations I do not believe that that is the case. I think it is simply morbid curiosity.

Q. Not on the part of the staff?—A. No, but it inflicts a strain on the staff.

Q. You would not expect a hanging penalty to be a deterrent to a person who commits a crime in a rage or sudden anger?—A. No.

Q. You would only expect it to be a deterrent where somebody was planning a murder?—A. That is correct.

Q. And you are not in a position to say whether or not in those cases it is or is not a deterrent?—A. No.

*By Mr. Fulton:*

Q. On the question of alternative methods of execution, do you consider it would be a lesser evil if there could be some other method such as Dr. Hills suggested and that it would be less of a strain?—A. Yes, I definitely do.

Hon. Mrs. HODGES: There is not the preparation?

The WITNESS: No.

Hon. Mrs. HODGES: It seems to me that is the worst part of it.

Hon. Mr. HAYDEN: You mean the carnival?

Hon. Mrs. HODGES: I mean having the man's ankles strapped, putting the rope around him and erecting the gallows, and so forth.

Hon. Mr. HAYDEN: That is all part of the theory of deterrent effect.

Hon. Mrs. HODGES: Do you not think it is that preparation in itself which creates the morbid curiosity and arouses that feeling in the public?

Mr. FULTON: It is the aspect of the gallows.

Mr. SHAW: Especially when the public can even hear the nails being driven in.

Mr. THATCHER: The doctor, I think, said a good alternative, in his opinion, would be an injection. I mean, as an alternative to hanging. I am wondering—Mr. Fulton suggested perhaps he could not find a doctor who would be willing to do that—would it be possible for a layman, if the injection had been prepared, to administer it? Could a layman do that?

Dr. HILLS: Oh yes, a layman could administer it or the man could administer it to himself.

Mr. THATCHER: In other words, it does not require a doctor to give that injection?

Dr. HILLS: No.

The PRESIDING CHAIRMAN: If he gave it to himself it would be suicide.

Mr. FULTON: We could not allow that.

Mr. WINCH: I think I have one more question.

The PRESIDING CHAIRMAN: I think Mr. Blair comes before you, if you do not mind.

Mr. BLAIR: In order to clarify the record—I believe Sheriff Conover could confirm that, as sheriff, he attended at all murder trials in the Toronto District?

The WITNESS: Yes, or a representative. I have been present at a good many for a short time, but not throughout the whole trial. My other work does not permit me to do that.



Mr. BLAIR: And the other question I have to ask is about the coroner's jury which is summoned at the examination but does not attend the execution?

The WITNESS: No, it is only there for the purpose of viewing the body and stating the cause of death.

Mr. BLAIR: And it reaches its findings immediately after the death?

The WITNESS: That is correct, yes.

The PRESIDING CHAIRMAN: Now, Mr. Thatcher?

*By Mr. Thatcher:*

Q. I have only one question. I do not like to ask it but I feel that I must on account of the evidence which was given to us before, that there is no reaction in the actual jail or in those who take part in the actual execution. I wonder if the sheriff or the doctor could tell us, as servants who have to carry out the law, what their reaction is in the days or hours before an execution, and when you know that you have to carry out the law in putting a man to death. What is your reaction?—A. It is difficult to define. There is a sense of strain. There is no doubt about that. You feel sort of tense to a certain extent, or nervy. But beyond that I could not go. I am thinking back to what I felt like a year and a half ago.

Q. Are you sleepless?—A. I do not think I have lost any sleep before the execution.

Q. You say you do not think you have lost any sleep before?—A. No.

Mr. THATCHER: And what about you, Dr. Hills?

Dr. HILLS: I might take a little phenobarbital I am not very tough.

The PRESIDING CHAIRMAN: I understood you were one of the champion boxers at university.

Dr. HILLS: I can take it, but I do not like to see anyone suffer.

Mr. FULTON: Is the suffering you speak of—except for the 100 per cent—is it mainly mental? You referred to hanging as inhuman and archaic. I do not quarrel with you about that, but are you thinking of physical or mental suffering?

Dr. HILLS: It is mental, yes.

Mr. SHAW: Mr. Chairman, I am going to recommend to the steering committee that they consider making it possible for us to have an executioner as a witness, whether it be in a dark room, or here, or elsewhere, or whether or not he be hooded *a la* Gouzenko. No matter how it is arranged I think it should be done and I throw it out to you and to the steering committee.

The PRESIDING CHAIRMAN: Which hangman should we call?

Mr. SHAW: I understand there is only one recognized hangman as such in Canada now.

The PRESIDING CHAIRMAN: The matter could be referred to the subcommittee.

Mr. THATCHER: It might remove a great deal of mystery about this situation if we did.

Hon. Mrs. HODGES: Do you think there is any mystery about it?

Hon. Mr. HAYDEN: I thought the objection was that it was not hidden and that there was so much evidence of what was going on that that was the thing which should be done away with.

The PRESIDING CHAIRMAN: That matter will be referred to the subcommittee on Agenda and Procedure.

Dr. Hills and Sheriff Conover, on behalf of the committee, I want to extend to you our thanks and appreciation for your attendance here. You have come here from Toronto to help us out and we appreciate it very much. Thank you.

We shall meet on Tuesday next at 11.00 o'clock, but, before we get away, I have here, from the library, a book entitled "The Shadow of the Gallows." Those of you who would like to borrow this for a short period of time from the clerk of the committee may do so.





















